IN THE DRAWINGS

The attached sheet of drawings includes changes to Fig. 2a. This sheet, which

includes Figs. 2a, 2b and 2c, replaces the original sheet including Figs. 2a, 2b and 2c.

Attachment: Replacement Sheet

REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 11-21 are presently active in this case. The present Amendment amends Claims 11-12 and 14; and adds new dependent Claim 21.

The outstanding Office Action objected to the specification because of informalities. Claim 11 was rejected under 35 U.S.C. § 112, second paragraph, as being incomplete. Claims 12 and 14 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claim 11 was rejected under 35 U.S.C. § 102(e) as anticipated by Moroney et al. (U.S. Patent Publication No. 2003/0097563). Claims 12-14 were rejected under 35 U.S.C. § 103(a) as unpatentable over Moroney et al. in view of Okimoto et al. (U.S. Patent Publication No. 2002/0051539). Claims 15, 16 and 17 were rejected under 35 U.S.C. § 103(a) as unpatentable over Moroney et al. in view of LeBerre et al. (U.S. Patent No. 5,748,732). Claims 18, 19 and 20 were rejected under 35 U.S.C. § 103(a) as unpatentable over LeBerre et al. in view of Moroney et al.

In response to the objection to the specification, the specification is amended to correct the noted informalities. Further, submitted herewith is a Letter Submitting Replacement Drawing Sheets along with one Replacement Sheet for Fig. 2a to change "@22" to "@30" to be consistent with the specification.

In light of their formal nature, the changes to the specification, and drawings do not raise a question of new matter.

In order to clarify Applicant's invention, Claim 11 is amended to recite the steps of storing the first secret code S_m in the master terminal and the second secret code S_s in each slave terminal and, for each use of a slave terminal by a user, checking the compatibility of the master and slave secret codes, and inviting the user to enter the first secret code S_m in the

slave terminal if the first secret code S_m is not already stored in the slave terminal or if the

second secret code Ss is not in a biunique relationship with the secret code S_m previously

saved in the slave terminal. In order to vary the scope of protection recited in the claims, new

dependent Claim 21 is added. The changes to the claims find support in the disclosure as

originally filed, for example in the original claims and from page 5, lines 25 to page 9, line

27. Therefore, the changes to the claims are not believed to raise a question of new matter.[1]

In response to the rejection under 35 U.S.C. § 112, second paragraph, Claims 12 and

14 are amended to correct the noted informalities. In view of the amended claims, it is

believed that all pending claims are definite and no further rejection on that basis is

anticipated. If, however, the Examiner disagrees, the Examiner is invited to telephone the

undersigned who will be happy to work with the Examiner in a joint effort to derive mutually

acceptable language.

In response to the rejections of the claims under 35 U.S.C. § 102(e) and 35 U.S.C.

§103(a), and in light of the present Amendment, Applicant respectfully requests

reconsideration of these rejections and traverses the rejections, as discussed next.

Briefly recapitulating, Applicant's invention, as recited in amended Claim 11, relates

to a method for distribution of scrambled data and/or services to at least one master terminal

and to at least one slave terminal linked with the master terminal. The method includes

several steps. A central management module transmits a first secret code to the master

terminal and transmits a second secret code to each slave terminal in a biunique relationship

with the first secret code. The first secret code S_m is stored in the master terminal and the

second secret code S_s is stored in each slave terminal. For each use of a slave terminal by a

user, the compatibility of the master and slave secret codes is checked, and *the user is invited*

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[1] See MPEP 2163.06 stating that "information contained in any one of the specification, claims or drawings of the application as filed may be added to any other part of the application without introducing new matter."

to enter the first secret code S$_m$ in the slave terminal if the first secret code S$_m$ is not already

stored in the slave terminal or if the second secret code Ss is not in a biunique relationship

with the secret code S$_m$ previously saved in the slave terminal.

Neither Moroney, nor Okimoto, nor Le Berre discloses or suggests inviting the user to

enter the first secret code S$_M$ in the slave terminal if the first secret code S$_M$ is not already

stored in the slave terminal or if the second secret code S$_S$ is not in a biunique relationship

with the secret code S$_M$ previously saved in the slave terminal.

In Moroney, the master and slave set-top boxes are linked with a physical

communication link (see paragraph [0017]) so that if an attempt is made to move the slave

box to another household to provide unauthorized service in that household, the slave box is

programmed to stop working when it can no longer communicate with the master box.

Therefore, Moroney fails to disclose every feature recited in Applicant's claims, so

that Claims 11-21 are not anticipated by Moroney. Accordingly, Applicant respectfully

submits that the present Amendment overcomes the 35 U.S.C. § 102 rejection based on

Moroney.[2]

The Okimoto document deals with the problem of securing the generation process of

ECM. As described at page 2, paragraphs [0021-0022], the system of Okimoto includes an

encryption renewal system (ERS) for performing an operation called ECM (entitlement

control message) retrofitting to keep pre-encrypted contents usable. Because the ERS

handles highly sensitive data as periodical keys, the system of Okimoto separates ERS

components into two or more computing platforms to protect the data. The first platform

which may be publicly accessible over the Internet for example, handles non-secure

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[2] See MPEP 2131: "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference," (Citations omitted) (emphasis added). See also MPEP 2143.03: "All words in a claim must be considered in judging the patentability of that claim against the prior art."

processing of information related to ECM retrofitting process while the second platform is physically separated to handle secure processing.

Okimoto is silent about transmitting by a central management module to a master terminal a first secret code S_M and to slave terminals a second secret code S_S in a biunique relationship with the first code S_M, storing the first secret code S_M in the master terminal and the second secret code S_S in each slave terminal and, for each use of a slave terminal by a user, checking the compatibility of the master and slave secret codes, inviting the user to enter the first secret code S_M in the slave terminal if the first secret code S_M is not already stored in the slave terminal or if the second secret code SS is not in a biunique relationship with the secret code S_M previously saved in the slave terminal.

All claim limitations must be considered when analyzing the non-obviousness of an invention.[3] In the present case, even if the combination of the Moroney and Okimoto references is assumed to be proper, the combination fails to disclose the claimed invention. Accordingly, Applicant respectfully traverses, and requests reconsideration of, this rejection based on these patents.

Further, there is no apparent reason to modify the Moroney method so as to arrive at Applicant's claimed inventions. The position that the Moroney method *could* be modified to arrive at the claimed inventions would be insufficient to establish a prima facie case of obviousness. It is not clear how such modification could be achieved without a substantial reconstruction or redesign of the Moroney method.[4]

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in

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[3] See MPEP 2143.03
[4] See In re Ratti, 270 F.2d 810, 813, 123 USPQ 349, 352 (reversing an obviousness rejection where the "suggested combination of references would require a substantial reconstruction and redesign of the elements shown in [the primary reference] as well as a change in the basic principle under which the [primary reference] construction was designed to operate.")
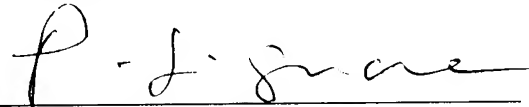
condition for formal Allowance. A Notice of Allowance for Claims 11-21 is earnestly

solicited.

 Should the Examiner deem that any further action is necessary to place this

application in even better form for allowance, the Examiner is encouraged to contact

Applicant's undersigned representative at the below listed telephone number.

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Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

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